

MINUTES  
TOWN OF FREDERICK  
BOARD OF TRUSTEES  
Frederick Town Hall  
November 10, 2009  
7:00 p.m.

Attendance: Mayor Eric Doering, Mayor Pro Tem Sue Wedel, Trustees Gerry Pfirsch, Tony Carey, Liberta Hattel, Jim Wollack and Amy Schiers. Also present were Town Administrator Derek Todd, Town Attorney Rick Samson, Town Clerk Nanette Fornof, Town Engineer Dick Leffler and Planning Director Jennifer Simmons. Audience was also present.

**ROLL CALL** Mayor Doering called the regular meeting to order at 7:00 p.m.; role call was taken and all Trustees were present.

**PLEDGE OF ALLEGIANCE** Mayor Doering led the audience in the Pledge of Allegiance.

**ADDITIONS OR DELETIONS TO THE AGENDA** AM 2009-105, Frederick Recreation Area Phase 1 Lighting request was added to tonight's agenda.

**PUBLIC COMMENT**

**Frederick Police Department Accreditation - Chief Deland, Colorado Association of Chief of Police** Chief Deland, City and County of Broomfield, indicated there are twenty-eight accredited municipalities in the State of Colorado. It takes approximately two years to complete the process; Chief Barbour completed the process in one and half years. Chief Barbour indicated the department worked together in completing the process and thanked them for their efforts.

Chief Barbour introduced two new Police Officers; Scott Coonrod and Andrew Fairbanks. The Board of Trustee welcomed the two new officers.

**Frederick High School Community Funding Request** Coach Larry Frank requested Community Funding for the Frederick High School Basketball Parent Appreciation Night (January 29, 2010). The monetary donation allows approximately one-hundred students to receive admission to the basketball game, food and drink. Motion by Trustee Pfirsch to donate \$325 to Frederick High School Basketball division, to be used for Parent Appreciation Night, Trustee Wollack seconded the motion and motion carried unanimously.

**Pat Kelly, 730 Main Street** indicated the Downtown Development Study Adhoc Committee developed a very nice product; they (the Committee) consider the citizens concerns. Kelly, however, mentioned the Study indicates there could possibly be a roundabout at 13<sup>th</sup> Street, which is considered to be an arterial and the citizens voted against roundabouts within Town limits. Kelly requested the Board consider discussing roundabouts at a future work session.

**Laura Brown, 6282 Ralston** stated the result of the Home Rule Charter Election was disconcerting. Colorado State Statutes indicates the Home Rule Charter Commission shall reconvene, make amendments to the proposed Home Rule Charter and then present the amended Charter to the voters again, however, the original Home Rule Charter Commission believes there is nothing to amend, change or cure at this point in time and would like the Home Rule Charter issue to expire.

## **STAFF REPORTS**

**Administrative Report** Town Administrator, Derek Todd, provided the Board with the Administrative Report which highlighted the following items: Frederick Recreation Area Phase 1 Update and Upcoming Board of Trustees Work Session. The Engineering Department provided information about the Concrete Replacement, Building Division Activity, Emergency Action Plan for Milavec Lake Dam, Central Weld County Water District and Patching and Crack Seal Update. The Planning Department is working on the Downtown Development Plan, Parks, Open Space and Trails (POST) Master Plan and Application Submittal Dates. The Police Department provided information about the Enhanced Enforcement Activities and Transportation Enhancements. The Public Works Department updated the Board regarding Holiday Lighting, Frederick Recreation Area and General information about the department.

**Town Attorney Report** Town Attorney Rick Samson provided the Board of Trustees with a written Status Report and had nothing new to add. There being no questions or comments Mayor Doering proceeded to the Action Agenda.

## **ACTION AGENDA**

**AM 2009-104, 2010 Contract for Longmont Humane Society Services** The Longmont Humane Society Year 2010 proposed contract for services may significantly increase costs to the Town of Frederick. The Society indicated the need to increase the contract amount is to help recoup the costs associated with all animals received at the shelter and the proposed contract will account for only a part of those costs. The Longmont Humane Society has determined that the average cost for an animal to be cared for at the shelter is approximately \$336. The Shelter has taken several steps to economize their facility and has determined the cost for anyone bringing in an animal should result in a payment of \$125. Additionally the Society proposes that each additional day beyond the average 5 days, there be a \$20 per day fee and that the municipality shall pay it if the Society is unable to collect from the owner. The 2009 contract rate per animal was \$125, however the new 2010 contract will remain the same rate, there will be additional circumstances requiring the payment of the fee.

Another area of regulation the staff recommends for consideration is the licensing of cats. Cats received at the Society from the Town of Frederick have accounted for a number of payments. The Community Service Officers have dealt with complaints by residents about property damage by cats. Last year the Town enacted regulation requiring the owner put identification tags on their cats; staff is proposing that cat owners license their animals. Chief Barbour would like the Board to consider regulating the number of animals that are

allowed by household. Staff proposed increasing licensing fees for unaltered animals and that an ordinance be presented to the Board considering limiting the number of pet animals per household.

Motion by Trustee Carey to direct staff to provide information about including cats as animals which would require licensing cats, significantly increasing the license fee for unaltered animals, consider adopting regulation for a "trap, neuter and release" program for feral cats, consider setting a limit on the number of animals permitted by household. Mayor Pro Tem Wedel seconded the motion and motion carried unanimously. The Board requested "breeders" be exempt from the unaltered animal fee increase.

**AM 2009-103, To Consider a Resolution to Order Publication of a Notice and Setting a Public Hearing to Consider Adopting by Reference the 2009 Land Use Code Amendments** The amendments to the Land Use Code began in December 2006 with Article 7, Sign Regulations. Immediately following, revisions to Article 3, Zoning were drafted. These amendments affected Article 3 and Article 4, Subdivision Regulations. Following adoption of amendments to Article 3, revisions to Article 4 were processed and adopted. Amendments to Article 5, Vesting and Article 8, Floodplain Areas, have also been completed. Finally, Article 2, Community Design Principles and Development Standards had amendments processed and adopted this year. The amendments are proposed to be adopted by reference because of the substantial cost that would be incurred if the ordinance containing all the amendments would have to be published. Article 1, General Provisions, Article 2, Community Design Principles and Development Standards, Article 3 Zoning, Article 4 Subdivision Regulations, Article 6, Enforcement and Article 7, Sign Regulations contain amendments. Motion by Trustee Pfirsch to approve Resolution 09R054, A RESOLUTION OF THE TOWN OF FREDERICK, COLORADO, ORDERING THE PUBLICATION OF A NOTICE AND SETTING A HEARING FOR CONSIDERATION OF AN ORDINANCE PROPOSING ADOPTION BY REFERENCE OF THE 2009 COMPREHENSIVE USE REVISIONS TO THE TOWN OF FREDERICK LAND USE CODE, 2004; AMENDING CERTAIN SECTIONS OF THE FREDERICK LAND USE CODE IN CONNECTION THEREWITH; AND REPEALING ALL ORDINANCES IN CONFLICT THEREWITH, Mayor Pro Tem Wedel seconded the motion and motion carried unanimously.

**AM 2009-105, Frederick Recreation Area – Phase One Lighting** The final design of the first phase of the Frederick Recreation Area project, the design of the lighting component was not completed at the time the construction began. The lighting component has been completed. The cost for this portion of the lighting project is approximately \$165, 085. Motion by Mayor Pro Tem Wedel to authorize funding for the addition of park lighting within the Frederick Recreation Area Phase 1 project not to exceed \$165,085, Trustee Wollack seconded the motion and motion carried with Trustee Pfirsch voting "nay" to the motion.

## **DISCUSSION AGENDA**

**IM 2009-018, Discussion of Various Intergovernmental Agreements** at the August 18, 2009, work session the Board of Trustees requested staff bring back suggestions for the

Intergovernmental Agreements (IGA) with Firestone and a separate agreement for the St. Vrain Valley School District and Weld County.

Staff provided a list of items to consider to the amended IGA. The items in part included the following; boundary of State Highway 119 west of Interstate 25, Colorado Boulevard access and maintenance, reference the existing comprehensive plan maps, clarify that WCR 16.5 is the boundary between the communities east of Colorado Boulevard, consider revenue sharing at two location and referring information to the City of Dacono and Weld County.

The current IGA with St. Vrain Valley School District was revised in 2002. The School District proposes entering into a new IGA with Frederick similar to the one adopted by the Town of Firestone in 2008. Staff provided points of concern the Town should negotiate with Firestone's IGA, they being; how to allocate funds if Firestone ever builds a high school, how will funds be allocated in Firestone and Mead in regards to the high school feeder systems, consider the repayment to the developer if funds are not used in 15 years and both agreements have "public hearing" requirements that could probably be simply public meetings as opposed to formal hearings. Motion by Trustee Pfirsch to direct staff to prepare a letter to the Town of Firestone, signed by the Town Administrator to be sent to the Firestone Town Administrator, outlining potential topics to be included in the IGA, Trustee Carey seconded the motion and motion carried unanimously. Motion by Trustee Wollack to direct staff to have discussion with the Town of Firestone regarding the possibility of revenue sharing, Firestone's annexed area and exchange properties at Weld County Road 22 and the Tri Area Sanitation Ponds, motion was then seconded by Mayor Pro Tem Wedel. Motion carried unanimously.

The proposed IGA with Weld County is relatively similar to the IGA the Town currently has in place and with the City of Dacono. Staff indicated based on the similarities between the existing and the proposed IGA, there doesn't appear to be a reason to adopt the proposed IGA.

Boulder County IGA; there has been communication between Mayor Doering and Boulder County Commissioner Perlman regarding the Boulder County IGA. Commissioner Perlman indicated they (Boulder County) would provide Frederick with an updated draft IGA that would amend the existing IGA with Boulder County to recognize a change in the northern boundary of the agreement. The proposed document has not been presented to the Town, therefore, no further work has been completed.

The City of Longmont's IGA between the Town of Frederick; Mayor Doering is following up with Boulder County Commissioner Ben Perlman, more information will be provided later. Discussions have begun with the City of Longmont staff.

St. Vrain Valley School District IGA was first introduced to the Board of Trustees in 1996, revised in 2002 and then signed again in 2008. Town Attorney Rick Samson is working with the District in regard to the proposed revision to the proposed IGA. Items of discussion are the allocation of funds, cash-in-lieu, water feeder systems and the time frame for reimbursement to developers for unused funds. Motion by Mayor Pro Tem Wedel to direct the Town Attorney to clarify the above mentioned topics by holding a work session or as part

of the discussion agenda at a regular meeting, Trustee Carey seconded the motion and motion carried unanimously.

### **IM 2009-017, To Discuss the Final Draft of the Downtown Development Plan**

The Downtown Development Study began in September 2008. Throughout 2009, Pacific Municipal Consultants (PMC) has worked with the Planning Department, Ad Hoc Committee, business owners, land owners, Planning Commission, Board of Trustees and other interested parties to arrive at the proposed final draft of the Downtown Development Plan. The proposed Downtown Development Plan is the product of a year's worth of work by Town Staff and PMC to create a usable document that will guide development and redevelopment in the Downtown area. The document defines "where" Downtown is and establishes a process for implementing changes that are recommended. Once the Board of Trustees adopts the plan, development in the Downtown area will begin to change. When the plan is adopted, there will be updates to the Land Use Code; the updates will be specific regulations that apply to this Downtown area. The proposed regulation changes will be considered at a later date by the Planning Commission and the Board of Trustees. The proposed document was reviewed with the Ad-hoc Committee and the Planning Commission. The Ad-hoc Committee made comments which were general in nature and will make improvements to the plan. Planning Staff reviewed the document by Chapter with the Board and will implement suggested changes.

### **CONSENT AGENDA**

Motion by Trustee Schiers, seconded by Trustee Carey to approve the Consent Agenda with the following item; Approval of the List of Warrants for November 10, 2007, motion carried unanimously.

Motion by Trustee Pfirsch to approve the October 27, 2009, Regular Meeting Minutes with the following amendment; DRCOG has in the cue and is recommending the construction improvements at Weld County Road 11 and Highway 52, Mayor Pro Tem Wedel seconded the motion and motion carried unanimously.

### **MAYOR AND BOARD REPORTS**

**Trustee Carey** made comment about the Longmont Humane Society Contract, animals within Town limits and the challenges the Board has in the future regarding revenues.

**Trustee Hattel** made comment about the lack of a four-way stop sign at 5<sup>th</sup> Street and Oak Street. Motion by Trustee Hattel to direct staff to research the need for a four-way stop at 5<sup>th</sup> and Oak Street, Trustee Pfirsch seconded the motion and motion carried unanimously.

**Trustee Pfirsch** made comment regarding Home Rule Charter process; Trustee Pfirsch made a motion to proceed with curing the Home Rule Charter and following Colorado State Statue, Trustee Wollack seconded the motion and during discussion of the

motion, Trustee Wollack withdrew his second to the motion. Trustee Pfirsch's motion died due to a lack of a second.

Trustee Pfirsch also mentioned the Frederick Police Department Accreditation, Longmont Humane Society Contract, and DRCOG meetings

**Trustee Schiers** made reference to posting the Town's agenda, Year 2010 budget, and Longmont Humane Society charges.

**Trustee Wollack** discussed the Longmont Humane Society Contract and the Home Rule Charter Commission. Motion by Trustee Wollack to not cure the Home Rule Charter, motion was then seconded by Mayor Pro Tem Wedel. During discussion of the motion Trustee Wollack withdrew his motion.

**Mayor Pro Tem Wedel** made comment about the Home Rule Charter results, other avenues of collecting the Town of Frederick sales tax. Motion by Mayor Pro Tem Wedel to direct staff to obtain a cost to audit the Sales Tax Collection for the Town of Frederick, and to consider the amount be added to the Year 2010 Budget, the motion was then seconded by Trustee Carey, motion carried unanimously. Mayor Pro Tem Wedel also made mention about the Longmont Humane Society Contract and thanked the Home Rule Charter Commission for their efforts in the Home Rule Charter process.

**Mayor Doering** provided information about the status for the single zip code request, the upcoming I-25 Mayor's meeting, the Home Rule Charter process, preliminary discussion about "Seeking to Build a Community", Town Administrator's evaluation, and Year 2010 Budget.

Interim Finance Director Bryan Ostler provided an updated revenue/expense comparison report.

Motion by Trustee Wollack to hold a Special Meeting on November 17, 2009, Town Hall from 5:30 – 7:00p.m., the Special Meeting is for an Executive Session; Attorney Client Privileges, Trustee Pfirsch seconded the motion and motion carried unanimously.

There being no further discussion, Mayor Doering closed the regular meeting at 10:52p.m.

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Nanette S. Fornof, Town Clerk

Approved by the Board of Trustees

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Eric E. Doering, Mayor